

# Notice of Allowability

Application No.

10/530,844

Examiner

Ganapathirama Raghu

Applicant(s)

LEONHARTSBERGER ET AL.

Art Unit

1652

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/03/2006.
2. ☒ The allowed claim(s) is/are 1-3 and 5-9.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

### **DETAILED ACTION**

Claims 1-3 and 5-9 are pending in this application for examination.

Applicants' amendments and arguments filed on Nov. 03, 2006, have been fully considered and are deemed to be persuasive to overcome the rejections previously applied. Rejections and/or objections not reiterated from previous office action are hereby withdrawn.

#### ***Priority***

Acknowledgment is made of applicants' claim for foreign priority under 35 U.S.C. 119(a)-(d). This application is a 371 PCT/EP03/11486 filed on 10/16/2003 and claims the priority date of German application 102 49 642.0 filed on 10/24/2002. The examiner notes that no English translation has been filed for the German application and therefore for all examination purposes the 371 PCT/EP03/11486 filing date is considered as the priority date.

#### ***Drawings***

The drawings are accepted for examination purposes only.

### **EXAMINER'S AMENDMENT**

An Examiner's amendment to the record appears below. An amendment to claims were proposed by applicants' attorney by Elizabeth C Richter (Reg. No. 35,103) and faxed to the examiner on 11/30/06.

The application has been amended as follows:

#### **In the claims:**

**In claim 1,**

Line 5, insert “of SEQ ID NO: 2” after “sequence”.

Lines 7-13, delete “being between position 285 and 310 of the amino acid sequence and with position 1 being the starting methionine, wherein it exhibits a change of at least 2 amino acids as compared with the wild-type enzyme, with this change of the at least 2 amino acid being in the Thr of the constituent sequence or C-terminally thereof, and wherein the homoserine transsuccinylase contains one” and replace with “ at position 297 onward being replaced by one”.

**In claim 2,**

Line 3, delete “preferably of at least 10 amino acids”.

**In claim 7,**

Line 2, delete “feedback resistant”.

***Allowable Subject Matter***

Claims 1-3 and 5-9 are allowed.

The following is an examiner's statement of reasons for allowance: Following a diligent search it was determined that the prior art neither teaches nor suggests an isolated protein, a homoserine transsuccinylase with defined technical features, wherein the carboxy terminus of said enzyme is modified with insertions of defined short peptides (oligomers) varying in sequence and length, i.e., to SEQ ID NO: 2 following the deletion of carboxy terminus (amino acid residues 297 onwards), the peptides (oligomers) with the SEQ ID NOs: 8 or 10 or 12 have been inserted. Said homoserine transsuccinylase variants exhibit a reduced sensitivity toward L-

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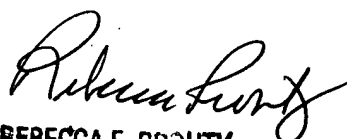
methionine or S-Adenosylmethionine (SAM), a microorganism comprising said homoserine transsuccinylase variants and a method for preparing L-methionine or SAM by culturing said microorganism.

Any comments considered necessary by applicant must be submitted no later than the payment of issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ganapathirama Raghu whose telephone number is 571-272-4533. The examiner can normally be reached on 8 am to 4.30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapu Achutamurthy can be reached on 571-272-0928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for regular communications and for After Final communications. Any inquiry of a general nature or relating to the status of the application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.

Ganapathirama Raghu, Ph.D.  
Patent Examiner  
Art Unit 1652

Dec. 01, 2006.

  
REBECCA E. PROUTY  
PRIMARY EXAMINER  
GROUP 2400  
1600